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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,594	09/19/2000	William R. Bullman	BULLMAN 7-26-6	5797

7590 11/19/2003

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EXAMINER
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PERILLA, JASON M

ART UNIT	PAPER NUMBER
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2634

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DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/665,594

Applicant(s)

BULLMAN ET AL.

Examiner

Jason M Perilla

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Claims 1-33 are pending in the instant application.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Figure 2; references 201, 204, and 205

Figure 3; references 301-304

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "113" has been used to designate a network site and a connection between the CENTRAL OFFICE and the DATA NETWORK in figure 1. The reference 113 is also found in figure 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Figure 1 and 3; reference 111

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action

to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to because the references on figures 4 and 5 do not correspond with the references used in the specification. Further, the figures 4 and 5 have items that are not described in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

6. The disclosure is objected to because of the following informalities:

Page 2, line 22; the reference to Fig. 8 is expected to be Fig. 6 according to the context and the drawings.

The specification makes references to figures 4 and 5 that are not present on the figures.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2, 11, 25, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the use of substantially in line 3 does not distinctly claim how the DSL service is provided.

Regarding claim 11, the measuring of impedance in line 4 does not distinctly claim what is measured. It is not clear if the intended measurement is a purely linear characteristic such as resistance, or if it is a combination of linear and non-linear characteristics such as a combination of resistive, inductive, and capacitive components. Because the term impedance can be interpreted by one skilled in the art to be composed of only linear characteristics or both linear and non-linear characteristics in view of the specification, it is suggested that "impedance" in line 4 of claim 11 is replaced by either --resistance-- or --complex impedance--.

Regarding claim 25, the parameter of impedance in line 3 does not distinctly claim what is measured. It is not clear if the intended parameter is a purely linear characteristic such as resistance, or if it is a combination of linear and non-linear characteristics such as a combination of resistive, inductive, and capacitive components. Because the term impedance can be interpreted by one skilled in the art to be composed of only linear characteristics or both linear and non-linear characteristics in view of the specification, it is suggested that "impedance" in line 3 of claim 25 is replaced by either --resistance-- or --complex impedance--.

Regarding claim 33, the measurement of impedance in line 4 does not distinctly claim what is measured. It is not clear if the intended measurement is a purely linear characteristic such as resistance, or if it is a combination of linear and non-linear characteristics such as a combination of resistive, inductive, and capacitive components. Because the term impedance can be interpreted by one skilled in the art to be composed of only linear characteristics or both linear and non-linear

characteristics in view of the specification, it is suggested that "impedance" in line 4 of claim 33 is replaced by either --resistance-- or --complex impedance--.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-7, 12-21, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lechleider (6091713) et al in view of Bellenger et al (6058110).

Regarding claim 1, Lechleider et al discloses a method for deploying digital subscriber line (DSL) service via an analog modem (col. 2, lines 17-29; col. 3, lines 7-13) comprising, receiving a subscriber login request into a network site via an analog modem (col. 3, lines 33-41), determining a suitability of a service line used by the subscriber for supporting DSL service via the analog modem (col. 5, lines 47-52), and approving installation of DSL service on the service line when suitability is determined to support DSL service (col. 7, lines 40-41). The analog modem must make a subscriber login request to a network site to establish a connection as is understood in the art. Lechleider et al does not explicitly disclose the use of an analog/DSL modem. However, Bellenger et al teaches the use of a modem that operates throughout the voice band and also extended operation above the voice band for DSL (col. 2, lines 56-60). Further, Bellenger et al teaches an analog/DSL modem that determines if the telephone line is capable of operating in the DSL band, and uses the DSL band if the

determination is favorable (col. 2, lines 60-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time which the invention was made to combine the analog/DSL modem of Bellenger et al with the particular suitability determination of DSL service of Lechleider et al because the DSL band modem would be immediately available for DSL band communications as taught by Bellenger et al.

Regarding claim 2, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 1 as applied above. Further, Bellenger et al discloses that immediately after the step of approving, providing DSL service to the combination analog/DSL modem (col. 2, lines 60-67).

Regarding claim 3, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 1 as applied above. Further, Lechleider et al discloses that a network site is accessed via a separate connection to an Internet (fig. 1). It is inherent that by the use of an analog modem, a separate connection to an Internet is created proceeding the subscriber login request.

Regarding claim 4, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 1 as applied above. Further, Lechleider et al discloses providing at least one of an address and a telephone number to the network site via an analog modem (col. 7, lines 61-67).

Regarding claim 5, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 1 as applied above. Further, Lechleider et al discloses that determining the suitability of the service line further comprises performing a

measurement of at least one parameter of the service line using the analog modem (col. 6, lines 8-29).

Regarding claim 6, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 5 as applied above. Further, Lechleider et al discloses that the performing of a measurement further comprises measuring the amplitude of a signal transmitted over the service line (col. 6, line 13-14). It is inherent in the process of measuring RX/TX power that a measurement of amplitude is made.

Regarding claim 7, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 5 as applied above. Further, Lechleider et al discloses that the performing of a measurement further comprises measuring a return echo over the service line (col. 6, lines 24-25).

Regarding claim 12, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 1 as applied above. Further Lechleider discloses making a list of subscribers that are approved for service (col. 7, lines 40-41). Informing a subscriber that DSL service is not available when the service line is determined to not support DSL service is obvious in view of the utility of the DSL loop characterization as disclosed by Lechleider et al. Because the purpose of the method disclosed by Lechleider is to determine the availability of DSL service on a telephone loop for a subscriber, it is obvious that if the service is found to be unavailable, the subscriber would be notified.

Regarding claim 13, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 12 as applied above. Informing a subscriber why DSL service is unavailable is obvious in view of the telephone loop testing as performed by Lechleider.



The utility of carefully characterizing the potential DSL telephone loop as described by Lechleider is provided by the knowledge of why the DSL service can or can not be provided. Therefore, it would be obvious to provide this information to a potential subscriber, because a reason for the unavailability of the service is known by the method, and the potential subscriber would be interested to know.

Regarding claim 14, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 1 as applied above. Further, Bellenger et al discloses that the DSL modem is selected (col. 2, lines 56-67).

Regarding claim 15, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 14 as applied above. Troubleshooting the installed DSL service by having the analog modem portion of the combination analog/DSL modem to re-determine the suitability of the service line is not explicitly stated by Lechleider et al in view of Bellenger et al. However, if the method using an analog/DSL modem to determine suitability of a telephone loop for DSL transmissions is suitable, then it would be obvious to utilize the analog modem to troubleshoot the DSL telephone loop once service is activated because the method was used to troubleshoot the connection before service was started, and it is still available to troubleshoot the connection after the service was started.

Regarding claim 16, Lechleider et al discloses a computer program product for deploying digital subscriber line (DSL) services via an analog modem (col. 2, lines 17-29; col. 3, lines 7-13). The computer program product comprises a computer usable medium having computer readable program code thereon, including program code for

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logging into a network site via an analog modem (col. 3, lines 33-41) and program code for determining a suitability of a service line for DSL services via the analog modem (col. 7, lines 40-41). The analog modem must make a subscriber login request to a network site to establish a connection as is understood in the art. Lechleider discloses that the analog modem may be contained in a personal computer (col. 4, lines 35-36). It is inherent that the computer program product comprises computer usable medium in the form of some type of memory (i.e. RAM, ROM, HDD) that is readable by the computer. As understood by one in the art, the program product code may be also present in the modem itself in the form of firmware contained on computer readable medium such as the ROM of the modem. It is inherent that a modem also contains a program product. Lechleider et al does not explicitly disclose the use of an analog/DSL modem or the program code for installing DSL services when the service line is determined to be suitable to support DSL services (col. 2, lines 57-68). However, Bellenger et al teaches the use of a modem that operates throughout the voice band and also extended operation above the voice band for DSL (col. 2, lines 56-60). Further, Bellenger et al teaches an analog/DSL modem that determines if the telephone line is capable of operating in the DSL band, and program code for installing DSL services if the DSL band determination is favorable (col. 2, lines 60-67). Since control of the modem is accommodated by the program code, it is the program code that enacts and installs the DSL service by the selection of the DSL modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time which the invention was made to combine the analog/DSL modem and program code to install the

DSL service of Bellenger et al with the DSL suitability determination program product of Lechleider et al because the DSL band modem would be immediately available for DSL band communications as taught by Bellenger et al.

Regarding claim 17, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 16 as applied above. Further, Lechleider et al discloses program code for accessing the network site via a separate connection to an Internet (fig. 1). It is inherent that by the use of an analog modem, a separate connection to an Internet is created proceeding the subscriber login request.

Regarding claim 18, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 16 as applied above. Further, Lechleider et al discloses program code for providing at least one of an address and a telephone number to the network site via an analog modem (col. 7, lines 61-67).

Regarding claim 19, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 16 as applied above. Further, Lechleider et al discloses program code for directing the analog portion of the modem to measure at least one parameter of the service (col. 6, lines 8-29).

Regarding claim 20, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 19 as applied above. Further, Lechleider et al discloses that at least one parameter comprises an amplitude of a signal transmitted over the service line (col. 6, line 13-14). It is inherent in the process of measuring RX/TX power that a measurement of amplitude is made.

Regarding claim 21, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 19 as applied above. Further, Lechleider et al discloses that at least one parameter comprises a return echo over the service line (col. 6, lines 24-25).

Regarding claim 26, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 16 as applied above. Further, Bellenger et al discloses program code to select the DSL modem (col. 2, lines 56-67). It is inherent that the DSL modem is selected by program code controlling the operation of the modem.

Regarding claim 27, Lechleider et al discloses an analog modem (col. 4, lines 35-38) comprising a parameter test module adapted to measure at least one parameter of a service line via the analog modem module (col. 6, lines 6-29) and a parameter reference module (col. 5, lines 62-67) adapted to correlate the measurement by the parameter test module for supporting services via a DSL modem module. Lechleider discloses that the modem can store information (parameter reference module) about the quality of a telephone loop. Further a computer in an access server can read the results of the parameter reference module to determine supporting DSL services (col. 6, lines 1-3). Hence, the parameter reference module is adapted to correlate the measurements by the parameter test module for supporting DSL services. Lechleider et al does not explicitly disclose the use of an analog/DSL modem. However, Bellenger et al teaches the use of a modem that operates throughout the voice band and also extended operation above the voice band for DSL (col. 2, lines 56-60). Further, Bellenger et al teaches an analog/DSL modem that determines if the telephone line is capable of operating in the DSL band, and uses the DSL band if the determination is

favorable (col. 2, lines 60-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time which the invention was made to combine the analog/DSL modem of Bellenger et al with the particular suitability determination of DSL service of Lechleider et al because the DSL band modem would be immediately available for DSL band communications as taught by Bellenger et al.

Regarding claim 28, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 27 as applied above. Further, Lechleider et al discloses that the parameter test module is adapted to measure the amplitude of a signal transmitted over the service line (col. 6, line 13-14). It is inherent in the process of measuring RX/TX power that a measurement of amplitude is made.

Regarding claim 29, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 27 as applied above. Further, Lechleider et al discloses that the parameter test module is adapted to measure a return echo over the service line (col. 6, lines 24-25).

11. Claims 8-11, 22-25, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lechleider et al in view of Bellenger et al as applied to claim 5 above, and further in view of Vogt, III et al (5625667).

Regarding claim 8, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 5 as applied above. Lechleider et al in view of Bellenger et al do not disclose that performing the measurement of claim 5 further comprises measuring a tip voltage of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line

(abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 9, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 5 as applied above. Lechleider et al in view of Bellenger et al do not disclose that performing the measurement of claim 5 further comprises measuring a ring voltage of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to

one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 10, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 5 as applied above. Lechleider et al in view of Bellenger et al do not disclose that performing the measurement of claim 5 further comprises measuring a capacitance of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 11, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 5 as applied above. Lechleider et al in view of Bellenger et al do not disclose that performing the measurement of claim 5 further comprises measuring the impedance of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance, and hence the impedance, of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 22, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 16 as applied above. Lechleider et al in view of Bellenger et al do not disclose that the at least one parameter comprises a tip voltage of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to



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measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 23, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 16 as applied above. Lechleider et al in view of Bellenger et al do not disclose that the at least one parameter comprises a ring voltage of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and

ring voltage for measuring the resistance and capacitance of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 24, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 16 as applied above. Lechleider et al in view of Bellenger et al do not disclose that the at least one parameter comprises a capacitance of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 25, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 5 as applied above. Lechleider et al in view of Bellenger et al do not

disclose that the at least one parameter comprises an impedance of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance, and hence the impedance, of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 30, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 27 as applied above. Lechleider et al in view of Bellenger et al do not disclose that the parameter test module is adapted to test a tip voltage of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring

the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 31, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 27 as applied above. Lechleider et al in view of Bellenger et al do not disclose that the parameter test module is adapted to test a ring voltage of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance of the telephone loop as taught by Vogt, III because the measurements are applicable to

assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 32, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 27 as applied above. Lechleider et al in view of Bellenger et al do not disclose that the parameter test module is adapted to test a capacitance of the service line. However, Vogt, III teaches that the tip and the ring voltage can be measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

Regarding claim 32, Lechleider et al in view of Bellenger et al disclosed the limitations of claim 27 as applied above. Lechleider et al in view of Bellenger et al do not disclose that the parameter test module is adapted to test an impedance of the service line. However, Vogt, III teaches that the tip and the ring voltage can be

measured to calculate the capacitance and resistance of the telephone line (abstract; col. 4, lines 3-16). Further, Vogt, III teaches that the telephone operating company would want to measure the parameters of a telephone line to detect potential problems (col. 1, lines 38-41). Calculating the resistance and capacitance of the telephone line by measuring the tip and ring voltages is beneficial to characterizing the quality of the telephone line connection, and it is applicable to characterizing the quality of the telephone line for DSL communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to take the measurements of tip and ring voltage for measuring the resistance and capacitance, and hence the impedance, of the telephone loop as taught by Vogt, III because the measurements are applicable to assessing the quality of the telephone loop for DSL communications as disclosed by Lechleider et al in view of Bellenger et al.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art of record not relied upon above is cited to further show the state of the art with respect to analog/DSL modems and telephone loop DSL capability testing.

U.S. Pat. No. 5987061 to Chen; Combination analog/DSL modem.

U.S. Pat. No. 6014425 to Bingel et al; DSL loop capability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Perilla whose telephone number is (703) 305-0374. The examiner can normally be reached on M-F 8-5 EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Chin can be reached on (703) 305-4714. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



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November 5, 2003

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